UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAN KONOPCA, :	Civil Action No.:
Plaintiff, :	**COMPLAINT FOR VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**
-against- :	
RECOVERY MANAGEMENT SERVICES, INC.,:	**DEMAND FOR JURY TRIAL**
Defendants. :	

Plaintiff, JAN KONOPCA ("Plaintiff"), by and through his attorneys, The Law Office of Alan J. Sasson, P.C., as and for its Complaint against the Defendant, RECOVERY MANAGEMENT SERVICES, INC. (hereinafter referred to as "Defendant"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violations under Title 47 of the United States Code, §227 commonly known as the Telephone Consumer Protection Act (TCPA).

PARTIES

2. Plaintiff JAN KONOPCA is a resident of the State of New Jersey, residing at 3 Riverview Avenue, Long Branch, New Jersey 07740.

3. Defendant RECOVERY MANAGEMENT SERVICES, INC. is an Illinois corporation with an office at 4200 Cantera Drive, Suite 211, Warrenville, IL 60555-3040.

JURISDICTION AND VENUE

4. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 *et seq.* and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

6. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "5" herein with the same force and effect as if the same were set forth at length herein.

7. Upon information and belief, the Defendant commenced communication with Plaintiff beginning September 9, 2010 by placing auto-dialed calls to Plaintiff's mobile telephone number of 732 309 6366, using an automatic telephone dialing system.

8. Defendant's telephone calls originated from number 732 676 8173 which number belongs to Defendant.

9. On or about September 15, 2010, Plaintiff placed a telephone call to Defendant and spoke with a representative of Defendant, requesting that the telephone calls cease and desist immediately.

10. Despite Defendant agreeing to cease the calls, said auto-dialed calls resumed and continued, through and including August 16, 2011.

11. Defendant's calls to Plaintiff's mobile telephone amounted to approximately 500 calls.

FIRST CAUSE OF ACTION
(Violations of the TCPA)

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same were set forth at length herein.

13. According to the Telephone Consumer Protection Act 47 USC §227(b)(A)(iii), it shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice to any telephone number assigned to a cellular telephone service or any service for which the called party is charged for the call.

14. Defendant willfully violated TCPA 47 USC §227(b)(A)(iii) by waging a campaign of unauthorized autodialed telephone calls to Plaintiff's cellular telephone for approximately one year despite Plaintiff's request to cease and desist.

15. As a result of Defendant's violations of the TCPA, Plaintiff has been damaged and is entitled to damages of $750,000.00 in accordance with the TCPA.

DEMAND FOR TRIAL BY JURY

16. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendant as follows:

A. For damages to be awarded to the Plaintiff in accordance with the TCPA, for each of the Defendant's five hundred (500) plus willful or knowing violations of the TCPA, for damages of $750,000.00.

B. For attorneys' fees and costs.

C. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: Brooklyn, New York
January 9, 2014

LAW OFFICE OF ALAN J. SASSON, P.C.

By: ***/s/ Yitzchak Zelman***_______________
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To: Recovery Management Services, Inc.
4200 Cantera Drive, Suite 211
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(Via Prescribed Service)

Clerk of the Court,
United States District Court, District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, New Jersey 08608

(*Via Electronic Court Filing)*